

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**JUSTIN KOHUTH,**

**Plaintiff,**

**v.**

**BOROUGH OF WEST CHESTER, et al.,**

**Defendants.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION**

**No. 11-515**

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of April, 2013, upon consideration of “Defendants Borough of West Chester, West Chester Police Department and Corporal Joshua Lee’s Motion for Summary Judgment” (Doc. No. 31), the response and the reply thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that Defendants’ motion is **DENIED** with respect to Count I of the complaint and **GRANTED** with respect to Count II.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

---

**MITCHELL S. GOLDBERG, J.**